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MAILED
DEC 10 2010
OFFICE OF PETITIONS

In re Patent of D'Zmura :
Patent No. 6,776,618 :
Issue Date: August 17, 2004 :
Application No. 09/849,582 :
Filing Date: May 5, 2001 :
For: Method of Determining Zodiac Signs :

Decision on Petition

This a decision in response to the petition filed June 25, 2010, which is being treated as a petition under 37 C.F.R. § 1.182 requesting issuance of duplicate letters patent. The petition is also being treated as a petition under 37 C.F.R. § 1.183.

The petition under 37 C.F.R. § 1.182 is **dismissed**.

The petition under 37 C.F.R. § 1.183 is **dismissed**.

Petitioner filed a single petition on June 25, 2010. The petition requests the Office:

1. Issue duplicate letters patent for all of Petitioner's patents,
2. Withdraw the holding of abandonment for all of Petitioner's abandoned divisional and provisional applications, and
3. "Advise the US Dept. Commerce, US Treasury and Executive Cabinet to License ... my Intangible Wealth."

When a party wishes to address an issue involving more than one application or patent, a separate petition must be filed in each of the applications or patents. As a courtesy, the Office has taken steps resulting in a copy of the petition being placed in each of the patent files. However, if Petitioner wishes to request reconsideration of more than one of the decisions, a separate request must be filed for each patent.

Duplicate Letters Patent

The Petition Under 37 C.F.R. § 1.182

Duplicate letters patent may be obtained by filing a petition under 37 C.F.R. § 1.182. Therefore, the Office has treated the petition as a petition under 37 C.F.R. § 1.182.

A petition under 37 C.F.R. § 1.182 for duplicate letters patent must:

- (1) Establish the original letters patent was never received at the address of record, or
- (2) Include a petition fee of \$400.

The petition does not assert Petitioner never received the original letters patent and Petitioner has not supplied the \$400 fee. Therefore, the petition under 37 C.F.R. § 1.182 is dismissed.

The Petition Under 37 C.F.R. § 1.183

Petitioner appears to be seeking waiver of the requirement to pay the \$400 fee for the petition under 37 C.F.R. § 1.182. Therefore, the Office has treated the petition, in part, as a petition under 37 C.F.R. § 1.183 requesting waiver of the requirement in 37 C.F.R. § 1.182 for any petition under that section to be accompanied by the \$400 fee set forth in 37 C.F.R. § 1.17(f).

37 C.F.R. § 1.183 states, with emphasis added,

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee.... Any petition under this section *must be accompanied by the petition fee set forth in § 1.17(f).*

A petition under 37 C.F.R. § 1.183 must be accompanied by payment of a \$400 fee, which a party can argue should be waived and refunded in the petition. Petitioner has not submitted the \$400 fee. Therefore, the petition under 37 C.F.R. § 1.183 is dismissed.

As a courtesy, the Office will briefly discuss the requirements of 37 C.F.R. § 1.183 and some of the facts in this case.

In order for a regulation to be waived, justice must require the waiver of the regulation. Justice does not require waiver of a regulation when enforcement of the regulation will not impair the legal rights of a party. Patents are intangible assets and patent rights exist independently of any letters patent. In other words, a copy of a patent grant only has symbolic value. Therefore, the loss of letters patent and the failure to receive duplicate letters patent does *not* impair the legal rights of any party.

Even if a party could be harmed by not possessing any copies of a patent, such harm could be remedied without a need for issuance of duplicate letters patent. For example, a party can obtain a certified copy of a patent for \$25 and an uncertified copy of a patent for \$3. Additional information concerning ordering certified or uncertified copies of a patent can be obtained by calling 1-800-972-6382. In addition to ordering copies of patents from the Office, one can find and print copies of patents from multiple sites on the internet.

The Abandoned Status of Multiple Applications

The petition requests the Office withdraw the holding of abandonment for all of Petitioner's abandoned divisional and provisional applications.

Based on Office records, Petitioner's divisional applications appear to consist of Application No. 10/509,085 and Application Nos. 10/681,356 to 10/681,367. Petitioner appears to have filed about 16 provisional applications.

The Office will not consider the request to withdraw the holding of abandonment in the divisional applications and the provisional applications, because petitions to withdraw the holding of abandonment do not appear to have been in any of the cases.

If petitioner wishes to argue the holding of abandonment should be withdrawn for a specific application, a petition to withdrawn the holding of abandonment must be filed in that specific application.

If Petitioner wishes to argue the holding of abandonment should be withdrawn for multiple applications, separate petitions must be filed in each application.

Request for the Office to Advise Agencies to License Patent

In general, each federal agency within the United States makes the agency's own decisions with respect to the purchase and/or licensing of patents and the United States Patent and Trademark Office does not have the authority to force other agencies to license a patent. Therefore, the Office is unable to advise the Department of Commerce or any other agency to license the patent.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition."

Further correspondence with respect to this matter may be submitted as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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